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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/621,677	07/24/2000	Guy Nathan	871-85	6899

23117 7590 12/15/2006

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EXAMINER

SALTARELLI, DOMINIC D

ART UNIT	PAPER NUMBER
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2623

DATE MAILED: 12/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/621,677

Applicant(s)

NATHAN, GUY

Examiner

Dominic D. Saltarelli

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 October 2006.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-24 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 21-24 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claim 21 have been considered but are moot in view of the new grounds of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 21-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martin et al. (5,355,302, of record) [Martin] in view of Wilder (5,408,417, of record) and Tedesco et al. (6,161,059) [Tedesco].

Regarding claim 21, Martin discloses a jukebox system, connected to a distribution network controlled by a host server (fig. 1) comprising:

a display, operable to display at least a customer interface, wherein the customer interface comprises at least one displayed option, corresponding to at least one song, for selecting the corresponding song to be played (col. 7, lines 18-55);

a memory that stores at least songs that may be played on the jukebox apparatus in response to selections from a customer (col. 5, lines 8-25);

an audio reproduction system providing audio (fig. 1, audio reproduction 127 and speaker 129);

a communication system for enabling the jukebox device to communicate with the distribution network (illustrated in fig. 1, as the jukeboxes and central controller and connected via modems 17 and 19); and

a fee payment device for accepting payment of a fee (col. 5, lines 42-59);

wherein the display is further operable to display at least one option for selecting a song not yet available on the jukebox device for download to the jukebox device (col. 6, lines 3-7 and col. 7, lines 10-17).

Martin fails to disclose the display comprises a touch screen portion and the displayed options are touch selectable, and the display is still further operable to display a questionnaire, different from touch selectable options for selecting songs for playback and touch selectable options for selecting songs for download, comprising one or more questions for gathering customer information, wherein the touch-screen is operable to accept customer input corresponding to the answers to the one or more questions, and wherein the answers are saved to a questionnaire response file in the memory.

In an analogous art, Wilder teaches an audiovisual reproduction system with a touch screen for user selections (col. 4, lines 13-22), providing an intuitive form of user selections from a very flexible interface.

It would have been obvious at the time to a person of ordinary skill in the art to modify the system disclosed by Martin to include a touch screen, as taught by Wilder, for the benefit of providing an intuitive form of user selections from a very flexible user interface.

Martin and Wilder fail to disclose the display is still further operable to display a questionnaire, different from touch selectable options for selecting songs for playback and touch selectable options for selecting songs for download, comprising one or more questions for gathering customer information, wherein the touch-screen is operable to accept customer input corresponding to the answers to the one or more questions, and wherein the answers are saved to a questionnaire response file in the memory.

In an analogous art, Tedesco teaches a vending machine system wherein a display is operable to display a questionnaire comprising one or more questions for gathering customer information [survey], operable to accept customer input corresponding to the answers to the one or more questions, and wherein the answers are saved to a questionnaire response file in the memory (col. 3, lines 42-62; col. 7, lines 20-60; and col. 9 line 44 – col. 10 line 11), providing the benefit of valuable customer feedback regarding customer interests and information to interested parties (col. 1 line 66 – col. 2 line 19).

It would have been obvious at the time to a person of ordinary skill in the art to modify the system disclosed by Martin and Wilder to include display of a questionnaire comprising one or more questions for gathering customer information, operable to accept customer input corresponding to the answers to the one or more questions, and wherein the answers are saved to a questionnaire response file in the memory, as taught by Tedesco, providing the

Art Unit: 2623

benefit of valuable customer feedback to interested parties, such as content distributors and/or marketing firms.

Regarding claims 22 and 23, Martin, Wilder, and Tedesco disclose the system of claim 21, further discloses a determination routine for determining whether the questionnaire was completed (Tedesco, col. 9 line 65 – col. 10 line 11) and a reward routine for rewarding the customer with a free song selection for completing the questionnaire (wherein Tedesco teaches the reward is a supplementary product from the vending machine, col. 4, lines 17-29, and products dispensed are song selections, as taught by Martin).

Regarding claim 24, Martin, Wilder, and Tedesco disclose the system of claim 21, but fail to disclose a song request routine for requesting at least one new song for download from the host server, wherein the at least one song is determined as a function of the answers saved in the questionnaire response file.

The examiner takes official notice that the method of selecting content to make available to users based on information gathered about said users is notoriously well known in the art. Called “collaborative filtering”, it is the method of inferring the tastes users from other information such as demographic information, psychographic information, and content consumption history and patterns, often gathered in the form of surveys, and using these inferences to

Art Unit: 2623

select content such as advertisements, television programs, movies, and music that would most likely be of interests to the public or a particular group of users.

It would have been obvious at the time to a person of ordinary skill in the art to modify the system disclosed by Martin, Wilder, and Tedesco to employ collaborative filtering using the stored results of the questionnaire response file, to infer desirable song titles and provide a more attractive selection of songs to users of the system.

Conclusion

4. Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Art Unit: 2623

5. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

Art Unit: 2623

Certificate of Mailing

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Certificate of Transmission

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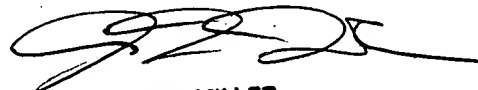
Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dominic D. Saltarelli whose telephone number is (571) 272-7302. The examiner can normally be reached on Monday - Friday 7:00am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DS



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SUPERVISORY PATENT EXAMINER
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